

COOLEY LLP
WHITTY SOMVICHIAN (194463)
(wsomvichian@cooley.com)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

COOLEY LLP
BRENDAN J. HUGHES
(Admitted *Pro Hac Vice*)
(bhughes@cooley.com)
REBECCA GIVNER-FORBES
(Admitted *Pro Hac Vice*)
(rgf@cooley.com)
1299 Pennsylvania Avenue, NW, Ste. 700
Washington, DC 20004
Telephone: (202) 842 7800
Facsimile: (202) 842 7899

Attorneys for Plaintiff Google LLC

SYVERSON, LESOWITZ & GEBELIN LLP
Scott Lesowitz (261759)
(scott@syversonlaw.com)
8383 Wilshire Boulevard, Suite 520
Beverly Hills, California 90211
T: (310) 341-3076

Attorney for Defendant Kydia Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOGLE LLC, a Delaware limited liability
company,

Plaintiff,

v.

KYDIA INC. D/B/A BEYONDMENU, an
Illinois corporation, and DOES 1-20,

Defendant.

Case No. 18-cv-03047-NC

**STIPULATED DISMISSAL OF THE CASE
UNDER FED. R. CIV. P. 41(A)(1)(A)(II)**

STIPULATED DISMISSAL

Plaintiff Google LLC (“Google”) and Defendant Kydia Inc. d/b/a BeyondMenu (“Kydia”), by and through their undersigned counsel, hereby notify the Court that they have agreed to a settlement agreement relating to Google’s claims, which was fully executed on June 3, 2019 (the “Settlement Agreement”).

Pursuant to the Settlement Agreement, Google and Kydia hereby stipulate under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) that the complaint in this matter be dismissed without prejudice and subject to Google’s ability to seek enforcement of the Settlement Agreement as described in Section 12 of the Settlement Agreement.

The parties jointly request that the Court retain jurisdiction over this action solely for purposes of enforcing the Settlement Agreement. A proposed order is submitted herewith.

Dated: June 5, 2019

COOLEY LLP

By: /s/ Whitty Somvichian

Whitty Somvichian (194463)
Attorneys for Plaintiff Google LLC

SYVERSON, LESOWITZ & GEBELIN LLP

By: /s/ Scott Lesowitz

Scott Lesowitz (261759)
Attorney for Defendant Kydia Inc.

~~[Proposed]~~ ORDER

Whereas the parties have entered into a settlement agreement on June 3, 2019 to resolve this action (the “Settlement Agreement”), the Court hereby ORDERS:

1. The complaint filed by Plaintiff Google LLC (“Google”) against Defendant Kydia Inc. d/b/a BeyondMenu (“Kydia”) is hereby dismissed without prejudice and subject to Google’s subject to Google’s ability to seek enforcement of the Settlement Agreement as described in Section 12 of the Settlement Agreement;

2. The Court shall retain jurisdiction over this action solely for purposes of enforcing the terms and remedies of the Settlement Agreement.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 5, 2019



1 **ATTESTATION**

2 Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Whitty Somvichian, attest that
3 concurrence in the filing of this document has been obtained from each of the other signatories. I
4 declare under penalty of perjury under the laws of the United States of America that the foregoing is
5 true and correct. Executed this 5th day of June, 2019, at San Francisco, California.

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7 /s/ Whitty Somvichian
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